

Appl. No. 09/844,175
Amdt. dated 11/12/2003
Office Action dated 8/27/2003

REMARKS

Applicants appreciate the indication of allowable subject matter in the present application.

Applicants hereby add new claims 73-76 and cancel claims 32 and 56. Accordingly, claims 31, 33-42, 54-55, 57-65, 67-70, and 73-76 are pending in the present application.

Claims 31, 33-34, 37-42, 54, 57, 60-62, 64, and 67-70 stand rejected under 35 USC 102(e) for anticipation by U.S. Patent No. 5,239,260 to Widder et al

Applicants respectfully traverse the rejection and urge allowance of the present application.

Claim 31 now includes limitations of previously pending claim 32 indicated in the Office Action to be allowable. Applicants request allowance of claim 31.

The claims which depend from independent claim 31 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Claim 54 has been amended to include limitations of claim 56 indicated in the Office Action to be allowable. Applicants request allowance of claim 54.

The claims which depend from independent claim 54 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

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New claim 73 includes limitations of claims 54 and 55. New claim 73 is believed to be allowable in view of the indication in the Office Action that claim 55 is allowable. Applicants request allowance of claim 73.

New claims 74-76 correspond to respective claims 58, 59, and 65 which were also indicated to be allowable in the Office Action and also depend from allowable claim 73. Allowance of claims 74-76 is requested.

Pages 5-6 of the Office Action contains statement of reasons for the indication of allowable subject matter. Applicants object to and disagree with such statements to the extent that allowance of the pending claims is based upon limitations not presently recited in the pending claims. The patent statutes require claims to be presented and interpreted in accordance with what the Applicants regard as the invention. Accordingly, the claims must be read as Applicants regard them (as they are worded). The statements as currently worded might be interpreted later as reading limitations into Applicants' claims which simply are not there. For example, the statements at least with respect to claims 55, 58 and 59 recite limitations which are not stated within such respective claims. Applicants regard aspects of his invention as defined by the claims.

MPEP §1302.14 (8th ed.) states, in part, that where specific reasons are recorded by the examiner, *care must be taken to ensure that such reasons are accurate, precise, and do not place unwarranted interpretations, whether broad or narrow, upon the claims.* The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.

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In accordance with the above, the Examiner must interpret the claims in accordance with their literal wording, and to the extent the Examiner has not already done so, such is mandated now. If the Examiner relies upon allowance based upon language not appearing in the claims (e.g., based upon limitations not presently positively recited in the pending claims), the Examiner must reject the claims and suggest insertion of such language. Then, Applicants can respond as deemed appropriate.

Allowance of the claims as literally worded is urged. If the Examiner's next action is a Notice Of Allowance, this file history is to be interpreted as if the Examiner's statement of reasons for allowance in the last Action never existed or was withdrawn. If the Examiner disagrees with this just stated position, claim rejections are mandated.

Applicants request allowance of all pending claims.

The Examiner is requested to phone the undersigned if the Examiner believes such would facilitate prosecution of the present application. The undersigned is available for telephone consultation at any time during normal business hours (Pacific Time Zone).

Respectfully submitted,

Dated: 11/12/03

By: 

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